REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 14, 2005. At the time of the Office Action, Claims 1-30 were pending in this Application. Claims 1-30 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5-8, 11, 15, and 17-23 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,784,628 issued to Kenneth S. Reneris ("Reneris"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiments of the invention.

Reneris is directed to a software-controlled power management system integrated into a computer's operating system and device drivers. See Col. 1, lines 6-10. The system and method taught by Reneris describes how the power states for devices within a computer system may be adjusted "depending on whether or not [the device] is currently in use, in order to conserve energy." See Col. 8, lines 65-67. Additionally, Reneris describes how a "power down" sequence may be initiated by either a user or a program. See Col. 10, lines 10-22. "Examples of user initiated power down conditions include the pressing of a suspend or hibernate key by the user (which may be provided as an option on the keyboard), and the closing of the lid on a portable computer." Col. 10, lines 22-25. A programmatically initiated power down may be initiated "when the user configured an automatic power down after being idle for a predetermined amount of time, or when the remaining battery life in a battery-powered portable computer reaches a critical stage." Col. 10, lines 28-31.

Applicants note that the exemplary embodiment of Reneris shows a single processing unit (which may be one or multiple processors) (see Figure 1 and Col. 5, lines 53-59) and a single power supply (see Figure 1 and Col. 6, lines 23-25). The "devices" are defined as a "computer subsystem or peripheral that may be connected to a computer and controlled by its processing unit." Col. 6, lines 18-20

In contrast, Independent Claim 1 recites a system that includes: 1) a plurality of processing resources, 2) a plurality of power supplies and 3) a resource management engine

operable to scale "the number of the processing resources in relation to a plurality of demand requirements. Independent Claim 15 recites the steps of 1) receiving a demand requirement, 2) determining if the demand requirement requires a processing resource change and 3) adjusting a plurality of processing resources to satisfy the demand requirement. Applicants respectfully submit that Reneris fails to teach all of these features of Independent Claims 1 and 15. Instead, Reneris appears to teach a single processing resource that is either on, off, or in a suspended mode. See, Col. 3, line 64 - Col. 4, line 3. Accordingly, Reneris does not disclose, teach or suggest a plurality of processing resources that may be scaled based upon demand requirements as required by Independent Claims 1 and 15.

Accordingly, Applicants request reconsideration, withdrawal of the rejection under 35 U.S.C. §102, and full allowance of Independent Claims 1 and 15, and Claims 2-3, 5-8, 11, and 17-23 which depend therefrom.

Rejections under 35 U.S.C. §103

Claims 9, 10, 13, 14, 16, and 24-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reneris in view of U.S. Patent 6,583,521 issued to Martin Lagod et al. ("Lagod"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Lagod is directed at system and method relating to the integration of on-site energy generation with a centralized power distribution network. See Col. 1, lines 5-10. The power generation equipment in question is "located at the site of a consumer and provides electrical power that supplements and/or replaces the power delivered by a centralized power distribution network, such as those affiliated with regional power utilities." Col. 3, lines 50-55.

Applicants submit that the power management of Lagod is clearly directed at power management relating to an industrial power grid, and does not provide any teachings that relate to the power management of computer systems, as claimed. Additionally, Applicants submit that one of skill in the art of either computer systems would not look to an industrial

power generation management source and that there is no suggestion in either reference to combine the references as suggested by Examiner.

Specifically, with respect to Independent Claim 27 (and Claims 28-30 which depend therefrom), the "processing resources" cited by the Examiner are on-site power generators and do not disclose, teach or suggest the processing resources of Claim 27. See Col. 7, lines 23-30.

For the reasons detailed above, Applicants submit that the combination of Reneris and Lagod cannot render obvious any of Claims 9, 10, 13, 14, 16, or 24-30.

Claims 4, 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reneris in view of U.S. Patent Application Publication 2002/0062454 filed by Henry T. Fung ("Fung"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious. Namely, Applicants submit that Claims 4, 11 and 12 depend from Independent Claim 1 which has been placed in condition for allowance.

Applicants request reconsideration, withdrawal of the rejection under 35 U.S.C. §103(a) and full allowance of Claims 4, 9-14, 16, and 24-30.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,
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